

IN THE UNITED STATES DISTRICT COURT  
FOR THE DISTRICT OF NORTH DAKOTA  
FARGO

UNITED STATES OF AMERICA,

Plaintiff,

v.

**Criminal Action No. 2:15-CR-55  
(BAILEY)**

DANIEL VIVAS CERON,

Defendant.

**ORDER ADOPTING REPORT AND RECOMMENDATION**

On this day, the above-styled matter came before this Court for consideration of the Report and Recommendation on Motion to Suppress [Doc. 95]. United States Magistrate Judge Alice R. Senechal filed her R&R on May 20, 2019. In that filing, the magistrate judge recommends that this Court deny the defendant's Motion to Suppress Statements Obtained in Violation of Defendant's Constitutional Rights [Doc. 63]. For the reasons that follow, this Court **ADOPTS** the R&R.

Pursuant to 28 U.S.C. § 636(b)(1)(c), this Court is required to make a *de novo* review of those portions of the magistrate judge's findings to which objection is made. However, the Court is not required to review, under a *de novo* or any other standard, the factual or legal conclusions of the magistrate judge as to those portions of the findings or recommendation to which no objections are addressed. *Thomas v. Arn*, 474 U.S. 140, 150 (1985). In addition, failure to file timely objections constitutes a waiver of *de novo* review and the right to appeal this Court's Order. 28 U.S.C. § 636(b)(1); *Snyder v.*

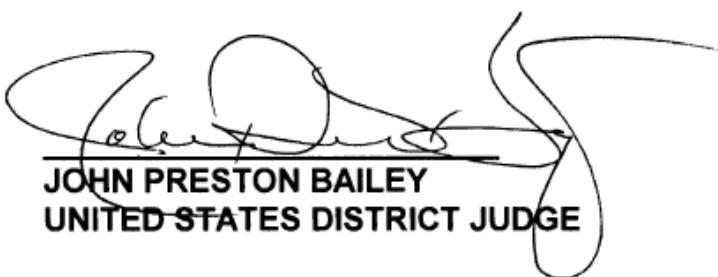
*Ridenour*, 889 F.2d 1363, 1366 (4th Cir. 1989); *United States v. Schronce*, 727 F.2d 91, 94 (4th Cir. 1984). Here, objections to Magistrate Judge Senechal's R&R were due by June 3, 2019, pursuant to 28 U.S.C. § 636(b)(1) and pursuant to the R&R. See Doc. 95. No objections were filed, and the time within which to do so has long since expired. Accordingly, the R&R will be reviewed for clear error.

Upon careful review of the Report and Recommendation, it is the opinion of this Court that the magistrate judge's Report and Recommendation on Motion to Suppress [Doc. 95] should be, and is, hereby **ORDERED ADOPTED** for the reasons more fully stated in the magistrate judge's report. As such, the defendant's Motion to Suppress Statement Obtained in Violation of Defendant's Constitutional Rights [Doc. 63] is hereby **DENIED**. Furthermore, the defendant's *pro se* motions [Docs. 93 & 94] are **DENIED** for the reasons more fully stated in the R&R.

It is so **ORDERED**.

The Clerk is directed to transmit copies of this Order to all counsel of record herein.

**DATED:** July 15, 2019.



JOHN PRESTON BAILEY  
UNITED STATES DISTRICT JUDGE